

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEROYD P. CONYERS,)
Petitioner,) Civil Action No. 2:19-cv-1671
v.) Magistrate Judge Lisa Pupo Lenihan
MARK CAPOZZA and DISTRICT)
ATTORNEY OF BUTLER COUNTY,)
PA,)
Respondents.

MEMORANDUM ORDER

Petitioner has filed what he has titled a “Writ of Mandamus, Writ of Prohibition.” (ECF No. 19.) Petitioner states that he “is suffering under an illegal/unconstitutional sentence that must be set aside, vacated.” Id., p.6. It is unclear whether Petitioner intended this filing to be opened as a new case or filed in the instant case,¹ but, out of an abundance of caution, the Clerk of Court filed the document in this action, which was administratively closed as a result of the Court granting Petitioner’s Motion to Stay on March 31, 2020.² (ECF Nos. 12 & 13.) On February 15, 2022, Petitioner filed a Motion to Reinstate his Petition for Writ of Habeas Corpus (ECF No. 14) to which Respondents opposed (ECF No. 17), and in an Order dated March 1, 2022, the Court denied Petitioner’s Motion without prejudice to refile once his underlying state post-conviction proceedings had been fully resolved or to refile with further explanation as to why this habeas petition should be reopened. (ECF No. 18.) To the extent this “Writ of Mandamus, Writ of Prohibition” is Petitioner’s attempt to reopen this case, it again fails to

¹ The only case numbers that appear on the filing are those for Petitioner’s state court criminal cases.

² Petitioner requested a stay of this case so that he could exhaust his state court remedies.

specify whether Petitioner has completed exhausting his state court remedies or why this habeas case should be reopened absent his failure to exhaust those remedies.

AND NOW, this 19th day of September, 2022;

IT IS HEREBY ORDERED that Petitioner's "Motion for Writ of Mandamus, Writ of Prohibition" is **DENIED without prejudice** to the extent he is seeking to reopen this case. If Petitioner desires to reopen this case then he may file a document titled "Motion to Reopen" that sets forth the basis for his request – for example, he has completed exhausting his state court post-conviction remedies. If that motion is granted and the case is reopened then Petitioner will be permitted the opportunity to file an amended petition for writ of habeas corpus that includes all of his claims.

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan
United States Magistrate Judge

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